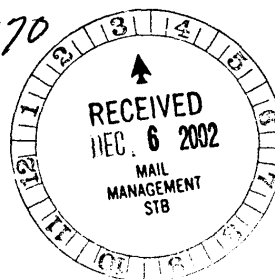


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Before the
SURFACE TRANSPORTATION BOARD



Docket No. AB-448 (Sub-No. 2X)

SF&L RAILWAY, INC.--ABANDONMENT EXEMPTION--
IN HANCOCK, McDONOUGH, FULTON AND PEORIA COUNTIES, IL

COMMENTS

ENTERED
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WILLIAM E. PONCIN
County Courthouse
Macomb, IL 61455

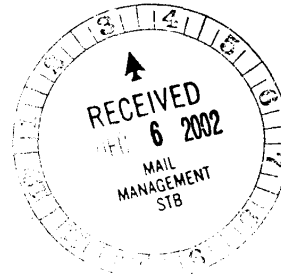
LINDA A. O'BRIEN
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1025 Connecticut Ave., N.W.
Washington, DC 20036

Attorneys for Protestants

Due Date:
December 6, 2002

Before the
SURFACE TRANSPORTATION BOARD



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McDonough County, City of Macomb, and Joseph C. Szabo^{1/}
submit these Comments in response to the Environmental Assessment
(EA), served November 7, 2002, issued on behalf of the Surface
Transportation Board (Board) by its Section of Environmental
Analysis (SEA).

The EA acknowledges that the Board on October 17, 2002, ruled
it would soon issue a decision dismissing the instant abandonment
proceeding instituted by SF&L,^{2/} yet the EA noted that on October
30, 2002, Toledo, Peoria and Western Railway Corporation (TP&W)
filed a motion in the instant petition for abandonment, requesting
that it be substituted as the petitioner in the stead of SF&L; and
the EA stated the Board had not acted on the TP&W motion when the
EA was served on November 7, 2002. (EA, 1 n.1).

^{1/} Illinois Legislative Director for United Transportation Union,
with offices at 8 So. Michigan Avenue, Chicago, IL 60603.

^{2/} The ruling was made in F.D. No. 33995, SF&L Railway, Inc.-
Acquisition and Operation Exemption-Toledo, Peoria and Western
Railway Corporation Between La Harpe and Peoria, IL; F.D. No. 33996,
Kern W. Schumacher and Morris H. Kulmer-Continuance in Control
Exemption-SF&L Railway, Inc.

The EA concludes that an alternative to SF&L abandonment, with discontinuance of service without abandonment and continued operation by another operator, would not affect the existing quality of the human environment and energy consumption should not be affected. (EA, 3).

We file the comments to make sure that any substitution by TP&W for SF&L--which we oppose--cannot operate to relieve the Board from preparing a new analysis based upon TP&W anticipated operations as operator of the line segment; that is, a substituted TP&W could not "adopt" the EA prepared for SF&L. Two initial observations come to mind.

1. Map. The map attached at the end of the EA does not describe the SF&L proposal, nor does it accurately set forth the TP&W services. TP&W's line does not extend between Peoria and Galesburg. TP&W does not show Yates City or Galesburg in the industry's Open & Prepay Station List. The line between Galesburg and Peoria is owned and operated by The Burlington Northern and Santa Fe Railway Company (BNSF). TP&W has a haulage arrangement with BNSF whereby TP&W will transport BNSF's traffic, in the account of BNSF, over BNSF's line, between Peoria and Galesburg. Attached hereto is the TP&W map appearing in the current issue of Official Railway Guide. The most that TP&W claims is "operating rights," which are, of course, restricted to hauling BNSF's traffic.

2. Segmentation. Any TP&W proposal to substitute for SF&L as the proponent of abandonment must recognize that the actual TP&W proposal is to divest its entire line between East Peoria, IL and Fort Madison, IA. The instant eastern segment (Peoria-La Harpe) is

related to the western segment (La Harpe-Lomax-Fort Madison). The Board found a single TP&W proposal in its decision served December 26, 2001 in F.D. Nos. 34143,^{3/} and 33995-96:^{4/}

These proceedings have arisen out of proposals by the Toledo, Peoria and Western Railway Corporation (TP&W) to transfer, via sale or lease, its right to operate over track running between East Peoria, IL, in the east, and Fort Madison, IA, in the west. The western (La Harpe-Lomax-Fort Madison) segment of this track is at issue in STB Finance Docket No. 34143. The eastern (La Harpe-to-Peoria) segment of this track is at issue in STB Finance Docket No. 33995.

Accordingly, under the rules governing abandonment involving segments of an entire line, findings regarding the entire line, and inter-related impacts for each segment, are necessary to the agency's evaluation. See: Futurex Industries, Inc. v. ICC, 897 F.2d 866 (7th Cir. 1990); Cf. Central Michigan Ry. Co.-Abandonment, 7 I.C.C.2d 498 (1990), 7 I.C.C.2d 557 (1991), 8 I.C.C.2d 166 (1991).

The Board's SEA has failed to perform the required analysis for this segmentation proposal. Moreover, we add that the protestants have requested that the Board, on its own motion, reopen Finance Docket No. 34143, involving the western segment.^{5/}

Respectfully submitted,


^{3/} Keokuk Junction Railway Company-Acquisition and Operation Exemption-West End of Toledo, Peoria and Western Railway Corporation.

^{4/} Fn. 2, supra.

^{5/} See our Reply to Motion to Substitute, at 5. (Nov. 7, 2002).

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December 6, 2002

Attorneys for Protestants

Certificate of Service

I hereby certify I have served a copy of the foregoing upon
parties of record by first class mail postage-prepaid.

Washington DC


Gordon P. MacDougall

REGION 15

IL

**TOLEDO, PEORIA AND WESTERN RAILWAY CORPORATION**

(A RailAmerica Company)

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Remington, IN Intermodal Terminal

11864 West U.S. 24, Remington, IN 47877 (219) 279-2051

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STEVEN J. DUTTON, *Office Manager***OPERATING DEPARTMENT**DEREK McNEELY, *Trainmaster***SALES and MARKETING DEPARTMENT**RONALD BENSON, *Manager-Marketing & Sales Intermodal*ANTHONY S. KAZAKEVICIUS, *Manager of Marketing & Sales Carload*East Peoria, IL
East Peoria, IL

East Peoria, IL

East Peoria, IL

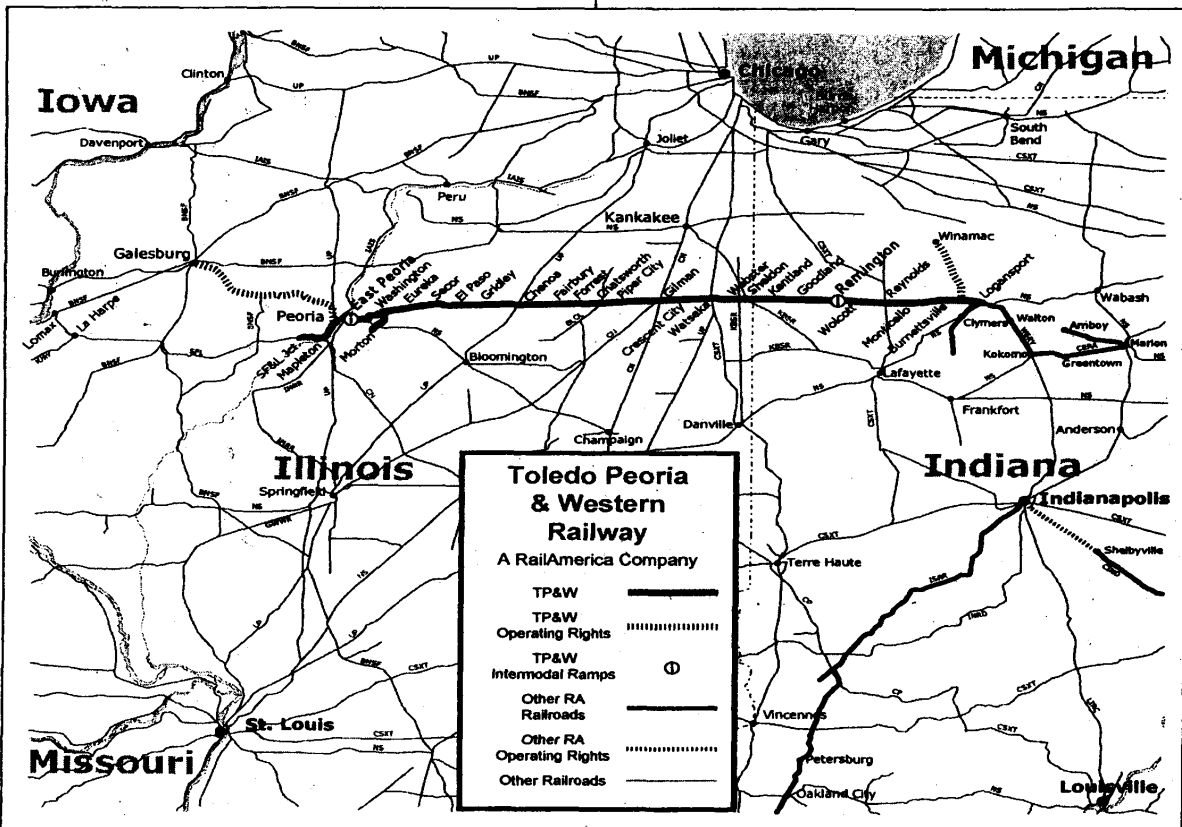
East Peoria, IL

MECHANICAL DEPARTMENTBILL SCHOENBEIN, *Chief Mechanical Officer*

East Peoria, IL

ENGINEERING DEPARTMENTMIKE HAINDS, *Roadmaster*

East Peoria, IL

**TOFC/COFC FACILITIES****Double Stack Terminals**East Peoria, IL
Remington, IN (Hoosier Lift)**Grain Transfer—Barge/Rail**

East Peoria on the Illinois River

ILLINOISGalesburg
Mapleton
Sommer
Peoria
East Peoria
Farmdale
Chenoa
Chatsworth
Gilman**CONNECTIONS**BNSF
SFLR
UP
NS, PPU
NS
UP
BLOL
CN**INDIANA**Reynolds
Logansport
Kokomo
MarionCSXT, UP
KBSR
KBSRCSXT
LER, NS, WSR
CERA
NS